

Pre-Submission Publication Representation Form



Ref:

R042

(for official use only)

Name of the document (DPD) to which this representation relates:

Draft Revised Lambeth Local Plan Proposed Submission
Version January 2020 (DRLLP PSV Jan 2020) and associated
Proposed Changes to the Policies Map January 2020 (PCPM
Jan 2020)

Please return to: localplan@lambeth.gov.uk

or by post: Planning Policy Team, London Borough of Lambeth, PO Box 734 Winchester SO23 5DG

by 11pm on 13th March 2020.

Please read the Guidance Note and Privacy Notice attached to this form before completing the representation form or submitting your comments

This form has two parts –

Part A – Personal details (please see applicable privacy notices in Section 5 of the guidance note)

Part B – Your representation(s). Please fill in a separate sheet for each part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 you wish to make a representation about.

Part A

1. Personal details*

2. Agent's details (if applicable):

* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.

| | | |
|---------------------------|-----------------------|-----------------------|
| Title | <input type="text"/> | Mr |
| First name | <input type="text"/> | Graham |
| Last name | <input type="text"/> | Oliver |
| Job title [†] | <input type="text"/> | Partner |
| Organisation [†] | Kessler (SLR) Limited | Gerald Eve LLP |
| Address | c/o Agent | 72 Welbeck Street |
| | <input type="text"/> | London |
| | <input type="text"/> | |
| | <input type="text"/> | |
| Postcode | <input type="text"/> | W1G 0AY |
| Telephone | <input type="text"/> | 02073336315 |
| Email [†] | <input type="text"/> | GOliver@geraldeve.com |

[†] where relevant

Pre-Submission Publication Representation Form

Part B – please use a separate sheet for each representation

3. To which part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 does this representation relate? (Identify specific reference if possible)

Paragraph no. Policy no. Policies Map

4. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is:

(please tick)

4.1 Legally compliant

Yes

No

4.2 Sound[^]

Yes

No

4.3 Complies with the Duty to co-operate

Yes

No

[^] The considerations in relation to being 'sound' are explained in the notes at the back of this form. If

you have ticked 'No' to 4.2, please continue to Q5. Otherwise please go to Q6.

5. Do you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is unsound because it is not:

(please tick)

5.1 Positively prepared

5.2 Justified

5.3 Effective

5.4 Consistent with national policy

(Please tick only one option. A separate form should be used if you wish to raise more than one concern.)

6. Please give details of why you consider the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible

If you wish to support the legal compliance or soundness of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 or their compliance with the duty to co-operate, please also use this box to set out your comments and then go to Q9.

Please refer to the covering letter prepared by Gerald Eve LLP for and on behalf of Kessler (SLR) Limited, which set out the reasons in full, in relation to Policy ED2 (Affordable Workspace).

(if required continue on the additional comments page attached)

Pre-Submission Publication Representation Form

7. Please set out what change(s) you consider necessary to make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound, having regard to the test you have identified in Q5 above where this relates to soundness. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) You will need to say why this change will make the part of the DRLLP PSV Jan 2020 or associated PCPM Jan 2020 that you identified in Q3 legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of this part of policy or text. Please be as precise as possible.

Please refer to the enclosed letter prepared by Gerald Eve LLP for and on behalf of Kessler (SLR) Limited.

This clearly sets out how Policy ED2 (Affordable Workspace) should be amended to make the DRLLP PSV January 2020 sound.

(if required continue on the additional comments page attached)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify your representation and your suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change to the DRLLP PSV Jan 2020 or associated PCPM Jan 2020, do you consider it necessary to participate at the oral part of the examination?

No I do not wish to participate at the oral examination



Yes I do wish to participate at the oral examination

Please note that while this will provide an initial indication of your wish to participate in hearing sessions(s), you may be asked at a later point to confirm your request to participate.

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

So that we may have the opportunity to discuss the matters raised in our representations

(if required continue on the additional comments page attached)

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination. You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

10. Please tick relevant boxes if you require notification of any of the following to your address stated in Part A:

That the DRLLP PSV Jan 2020 and associated PCPM Jan 2020 have been submitted for independent examination

The publication of the inspector's recommendations following the independent examination

The adoption of the Revised Lambeth Local Plan and Policies Map.

Signature

Gerald Eve LLP

Date

13 / 03 / 2020

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Please refer to the covering letter prepared by Gerald Eve LLP for and on behalf of Kessler (SLR) Limited, which set out the reasons in full, in relation to Policy Q26 (Tall Buildings).

(if required continue on the additional comments page attached)

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Please refer to the enclosed letter prepared by Gerald Eve LLP for and on behalf of Kessler (SLR) Limited.

This clearly sets out how Policy Q26 (Tall Buildings) should be amended to make the DRLLP PSV January 2020 sound.

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Signature

Gerald Eve LLP

Date

13 / 03 / 2020



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13 March 2020

Our ref: GAO/DCE/J7362/B

Your ref:

Dear Sir / Madam

**Draft Revised Lambeth Local Plan Proposed Submission Version – January 2020
Representations on behalf of Kessler (SLR) Limited**

We act on behalf of Kessler (SLR) Limited and are instructed to submit representations in relation to the proposed Submission Version of the Draft Revised Lambeth Local Plan.

Kessler (SLR) Limited is part of the Kessler Group, historically an international manufacturing business and existing London based logistics and property business with a significant portfolio of properties across London including the site at 66 South Lambeth Road in Lambeth. The site has been within the ownership of Kessler (SLR) Limited since 2008 and sits within the Nine Elms Vauxhall Opportunity Area.

The site is located within an area defined as being "Sensitive to Tall Buildings" within the adopted local plan and therefore there is support for tall buildings within current policy. The site has the potential to make a significant contribution to the London Plans potential 18,500 jobs in the Nine Elms Vauxhall area. (Table 2.1 Opportunity Area Indicative Capacity for new homes and jobs: London Plan Intend to Publish Version).

The National Planning Policy Framework February 2019 identifies that Plans are "sound" if they are:

- (a) Positively prepared – provided a strategy which, as a minimum seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- (b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- (c) Effective – deliverable over the planned period and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- (d) Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this framework.

Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. "For plan making" this means that:

- (a) Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless;
 - (i) The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”

Paragraph 15 notes that inter alia up-to-date plans should provide a framework for addressing housing needs and other economic, social and environmental priorities.

At paragraph 16 it is noted that plans should “be prepared positively, in a way that is aspirational but deliverable”..... and “contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”.

Policy Q26 Tall Buildings

These representations relate to draft policy Q26. Kessler (SLR) Limited consider that Policy Q26 is not sound on the basis that it is not consistent with National Policy or positively prepared. In summary, these objections relate to:

- (1) The presumption against tall buildings located outside the areas defined within Annex 11 of the Draft Local Plan. This policy approach is considered contrary to paragraph 11 of the NPPF which contains a presumption in favour of sustainable development including positively seeking opportunities to meet development needs;
- (2) It is considered that the definition of tall buildings within Policy Q26 is not consistent with the NPPF paragraph 11 on the basis it does not meet the development needs of an area.

More detail in relation to our representations on these matters is set out below.

Presumption against tall buildings

The adopted Policy Q26 sets out a presumption in favour of tall buildings subject to a number of exceptions including where they were located within areas identified as being inappropriate for tall buildings as defined within Annex 11. The revised approach has been to identify specific locations within the Borough that may be appropriate for tall buildings and the policy contains a presumption in favour of tall buildings within those locations. However, outside the locations now defined as being appropriate for tall buildings within Annex 11, there is no presumption in favour of tall buildings.

Annex 11 identifies 16 locations within Lambeth as being appropriate for tall buildings and therefore containing a presumption in favour of tall buildings. Whilst the Lambeth Tall Building topic paper (November 2019) notes at paragraph 4.1 that following discussions with Historic England the locations are defined as “locations” as opposed to “sites” in reality given the extent of area within each of the locations the areas defined are little more than sites i.e. location V1 – 4-6 Albert Embankment; location V2 – 36-46 Albert Embankment; location V3 – 10 Wandsworth Road etc. This limits the amount of development that can be taken forward and therefore is not consistent

with the London Plan as it will not maximise the potential of the Opportunity Areas or provide for the remaining 18,500 jobs which the London Plan considers can be delivered in the Nine Elms Vauxhall Opportunity Area.

We consider only identifying a number of "sites" where tall buildings (defined as over 30m) are appropriate does not accord with Policy GG2 of the London Plan which seeks to make the best use of Land particularly in the Opportunity Areas.

London and Lambeth in particular have limited land capacity and therefore the limited land that is available needs to be planned positively in order to deliver growth in jobs and houses.

Paragraph 2.18 of the proposed Submission Version of the Revised Lambeth Local Plan notes that Lambeth is an important part of London's economy, which has experienced growth more strongly than the rest of the UK as a whole. The north of Lambeth is an integral part of London's Central Activity Zone (CAZ) home to significant employers.

London has limited opportunities for accommodating large scale development. Lambeth contains two of London's Opportunity Areas which are London's major source of brownfield land with significant capacity for development.

The Waterloo Opportunity Area is identified within the Draft Revised Lambeth Local Plan and the London Plan as having the "remaining potential for an additional 1,500 homes and 6,000 jobs between 2019 and 2041 and the Nine Elms Vauxhall Opportunity Area is also identified within both Plans as having the remaining potential of 18,500 new homes and 18,500 jobs. Opportunity Area Planning Frameworks promote the optimum level of development within those areas consistent with Policy GG2 of the London Plan (Intend to Publish Version).

Draft Policy D8 of the New London Plan recognises that tall buildings have a role to play in helping London accommodate its expected growth. However, within the context of limited land supply, the need to make the most efficient use of land and a recognition that tall buildings can assist in this objective particularly within Opportunity Areas which are areas for potential significant growth, only 16 sites have been identified within the Revised Lambeth Local Plan as being appropriate for tall buildings.

Given paragraph 10.1.47 of the Draft Revised Lambeth Local Plan defines tall buildings as being inter alia larger than the threshold sizes set out for the referral of planning applications to the Mayor, (i.e. 25 metres adjacent to the Thames or 30 metres elsewhere within the City) there would appear to be a presumption against development of over 30 metres height across Lambeth, with the exception of the 16 sites in Annex 11.

Definition

Policy D9a of the Draft London Plan states that "based on local context, development plans should define what is considered a tall building for specific localities, the height of which may vary in different parts of London".

Historic England's advice note for: Tall Buildings notes:

"what might be considered a tall building will vary according to the nature of the local area. A 10 storey building in a mainly 2 storey neighbourhood will be thought of as a tall building by those affected, whereas in the centre of a large city it may not".

This approach accords with the NPPF which requires plans and decisions to respond to local circumstances, and take account of the different roles and character of different areas. This policy will also allow plans and development to respond to different opportunities for achieving sustainable development (NPPF paragraphs 10 and 17).

Paragraph 10.147 of the supporting text in Policy Q26 states "Tall Buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor. In accordance with London Plan Policy D9a to inform the application of this policy, the following definitions at building heights are defined for Lambeth.

| | Low Rise | Mid Rise | Tall |
|---|-----------------|---------------------------------|-----------------|
| South Lambeth (South of the south circular road) | Up to 9 metres | Between 9 metres and 25 metres | Above 25 metres |
| Middle & North Lambeth (north of the south circular road) | Up to 15 metres | Between 15 metres and 45 metres | Above 45 metres |
| | | | |

It is considered that this supporting text is not sound on the basis that it is contrary to national planning policy guidance being ambiguous.

For instance, it is not clear from the supporting text whether a proposal within the Nine Elms Vauxhall Opportunity Area which was 30 metres in height would be defined as a tall building for the purposes of the policy. The Opportunity Area comprises of numerous tall buildings between 100 metres and over 150 metres so in that context a building of 30 metres should not be considered to be a tall building. It also would not be above the 45 metres height defined as being tall within the middle and north of Lambeth. However, it would breach the threshold size set for the referral of planning applications to the Mayor and therefore on that basis it would be considered a tall building. This could lead to a situation under policy where there was a presumption against a proposal for a building of over 30 metres within an Opportunity Area notwithstanding the majority of buildings around that site were between 100 and 150 metres. This would not secure the objectives of making the most efficient use of land or provide the most effective use of the site consistent with Policy Q6 of the Draft Revised Lambeth Local Plan.

Given Policy D9a of the London Plan requires Development Plans define tall buildings at a local level, it is not considered necessary to refer to the Mayor's referability criteria as these would apply only where there is no local definition of a tall building (as identified in Paragraph 3.9.3 of The London Plan Intend to Publish Version).

Convincing Justification

It is also considered that the text "the applicant will be required to provide a clear and convincing justification" within criteria b of Policy Q26 is ambiguous as it does not identify what is meant by a clear and convincing justification. Elsewhere within the draft revised Lambeth Plan there is a recognition that high density is essential to meet needs (paragraph 2.132), in underpinning the

Local Plan the need to maximise the contribution of Lambeth's limited employment land resources (paragraph 2.93) and the guiding spatial approach as set out at paragraph 3.9 of the Draft Revised Lambeth Local Plan includes "an approach to density that reflects the London Plan Approach of Design Led Optimisation and support for tall buildings in appropriate locations to deliver regeneration and economic objectives in accordance with the Local Plan".

There is therefore already a clear and convincing justification for the need to optimise land which includes where appropriate tall buildings.

We have set out below proposed amendments to Policy Q26 and paragraph 10.147.

Policy Q26

- A. Having particular regard to the international obligation to preserve the OUV of the Westminster Royal Heritage Site and taking into account the desirability of preserving the settings of Heritage Assets, proposals for tall buildings will be supported where they are in locations identified as appropriate for tall buildings in Annex 11 and where:
- (i) Will not adversely impact on strategic or local views;
 - (ii) Design excellence is achieved (form, proportion, silhouette, detailing and materials etc.)
 - (iii) The proposal makes a positive contribution to public realm and townscape including at street level, whether individually or as part of a group;
 - (iv) Where proposed near existing tall building groups, proposals should follow the established principles of group composition such as noticeable stepping down in height around cluster edges;
 - (v) The proposals adequately addresses the criteria in London Plan Policy D9c in terms of acceptable visual, environmental and functional impacts including micro climate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation (including the safeguarded zones around Heathrow Airport, London City Airport, Battersea Heliport and the helipad at Kings College Hospital), navigation and electronic communication or broadcast interference; and
 - (vi) It can be show that the site can accommodate the uses and quantum of development proposed in terms of meeting acceptable standards of amenity, access, accessibility and servicing.
- B. ~~Outside the Annex 11 locations there is no presumption in favour of tall building development. Should tall buildings be proposed outside the locations identified in Annex 11, the applicant will be required to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings townscape and the character of the local area (including urban grain and public realm/landscape features etc) and ensure points (a) (i) – (vi) are met. In addition:~~
- (vii) Proposals for tall buildings will only be considered acceptable in established low rise residential neighbourhoods where they are part of a comprehensive scheme which integrates well with their locality.
- C. Where existing tall buildings are identified (through CA appraisals, characterisations and other similar studies) as negative elements in strategic or local views, heritage setting or

townscape terms etc, the Council will encourage and support proposals which lessen the adverse impact through re-development, height reduction or re-cladding.

We would suggest that paragraph 10.147 is amended as follows:

"Tall buildings are those that are substantially taller than their surroundings or cause a significant change to the skyline within an Opportunity Area ~~or are larger than the threshold sizes set for the referral of planning applications to the Mayor.~~ In accordance with London Plan Policy D9a and to inform the application of this policy, the following definitions of building heights are defined for Lambeth outside the Opportunity Areas:

| | Low Rise | Mid Rise | Tall |
|---|-----------------|---------------------------------|-----------------|
| South Lambeth (South of the south circular road) | Up to 9 metres | Between 9 metres and 25 metres | Above 25 metres |
| Middle & North Lambeth (north of the south circular road) | Up to 15 metres | Between 15 metres and 45 metres | Above 45 metres |
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Draft Policy ED2 - Affordable Workspace

The draft policy seeks the provision of affordable workspace in the following locations:

- i) In Waterloo/Southbank and Vauxhall developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace at 50 per cent of market rents for a period of 15 years;
- ii) In Oval, Kennington and Clapham developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace at 80 per cent of market rents for a period of 15 years;
- iii) In the Brixton Creative Enterprise Zone (CEZ) developments proposing at least 1000sqm (GIA) gross B1a office floorspace should provide 10 per cent of that floorspace as affordable workspace for a period of 25 years with the following discounts on market rents:

The policy goes on to state at ED2 part B:

"The affordable workspace secured should be provided on-site and be designed to meet a local need within the B1 use class".

Whilst the principle of seeking provision of affordable workspace (Class B1) is supported it is considered that some flexibility should be built into the policy to enable a truly meaningful offer to be delivered.

It is considered that a floorspace only offer would not go far enough to meet the aspirations the policy is trying to achieve. Supporting services are vital to the success of those new start-up companies such as mentoring services, lectures, co-working arrangements, technical support, coaching, amenities, synergy with an industry in close proximity etc

In addition, where you have a significant quantum of Class B1 affordable workspace being provided, other forms of affordable workspace that fall under alternative use classes to B1 can be beneficial to supporting that B1 element and can provide much needed discounted space for start-up businesses in line with local need. For example:

- coffee shop/ restaurant units, (Class A1/A3)
- fitness / health & Wellbeing start -ups (D2),
- social and community uses (Class D1) such as a community space for use by a charity, or social group that cannot afford to pay full rent for hire etc.

The policy states, provision should be based on local need and allowing more flexibility in the use classes that are also technically 'workspaces' would go further in delivering a genuinely effective offer that meets the local need of an area.

Indeed, Policy E3 of the draft London Plan sets out the Mayors approach to affordable workspace and notes that the intention is to secure Use Class B space with rents that are below the market rate for social, cultural or economic development purposes such as charities and space for cultural uses such as rehearsal space. Part A of Policy E3 of the draft London Plan states:

"In defined circumstances set out in Parts B and C below, planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose such as:

- 1) for specific sectors that have social value such as charities, voluntary and community organisations or social enterprises
- 2) for specific sectors that have cultural value such as creative and artists' workspace, rehearsal and performance space and makerspace
- 3) for disadvantaged groups starting up in any sector
- 4) supporting educational outcomes through connections to schools, colleges or higher education
- 5) supporting start-up and early stage businesses or regeneration".

Furthermore paragraph 6.11 of the Draft Local Plan recognises that these types of spaces for creative, cultural and charitable organisations are "an integral part of London's ecosystem". With this in mind, it is therefore considered that the intention of the policy should allow such space to be provided on a basis that can best support local needs and not be restricted by the Use Class but rather a definition of workspace. The requirements and needs of the new enterprises benefitting from affordable workspace are still evolving and the policy should allow for this.

It is therefore suggested that draft Policy ED2 part B should be revised to state:

"The affordable workspace secured should be provided on-site and be designed to meet a local need within the B4 B use class or another use Class as agreed with the Council where a local need is demonstrated".

The policy should also allow for local need to be assessed at the time of determination of an application but should allow for reviews to be undertaken to adapt and evolve local requirements in the future.

Part C of ED2 sets out that affordable workspace must be delivered in one of three ways. These are:

- developer owner and leased to Affordable Workspace Provider on Council's approved provider list and then sub-let to end users;
- developer owner acts as the affordable workspace provider and lets to end user; or
- developer/owner lets directly to end users that do not require managed affordable workspace.

It is suggested that the approaches are potentially restrictive and flexibility should be included for alternative approaches to be agreed with the LPA. In particular, these will have to be defined at the time of planning permission being granted, but may not be delivered for some years and new products, arrangements, approaches may emerge in time given affordable workspace is a relatively recent requirement. At the time of delivery, a better approach may be the best solution for the site and so a mechanism to allow for this should be considered.

It is suggested that a point iv) be added that states:

' or an alternative approach to be agreed with the LPA'.

Another area where it is considered that it would be beneficial to introduce some more flexibility is part d of Policy ED2 in terms of the timing of delivery of affordable workspace. Policy ED2 part d currently states:

"The affordable workspace should be made available for occupation at the same time of or prior to first occupation as the rest of the B1a floorspace in the development".

It should be recognised that the non-affordable workspace provision and occupation enables the funds for the delivery of the affordable workspace elements and therefore it may be helpful to include a timed approach that enables a percentage of non-affordable workspace to be delivered and occupied prior to the affordable workspace elements; or a mechanism that requires delivery of affordable workspace within 6 months of occupation of the non-affordable workspace.

Separately on masterplan/ phased schemes, there should be the ability to 'pro rata' the affordable workspace provision. For example, if a scheme has several office plots that will all be delivered at different times, then the minimum requirement should be for the affordable workspace element associated with the floorspace of the office floorspace in that phase to be delivered.

There are various ways of securing this, but a suggestion is that Policy ED2 part d should be revised to state:

"The affordable workspace should be made available for occupation within 6 months of first occupation of the non-affordable workspace.

In phased developments, the affordable workspace can be delivered on a pro rata basis requiring that at least the minimum amount triggered for that phase is delivered and ready for occupation within 6 months of occupation of the non-affordable floorspace element.

Part F requires that where proposals do not provide the level of affordable workspace required, viability information will need to be supplied to demonstrate why.

Further flexibility should be included here to ensure where schemes deliver an alternative option that equates to a policy compliant offer, the affordable workspace offer should be considered to have complied with the policy and the application should be allowed to still be processed using the fast track route without needing to provide a full financial viability assessment.

We would be happy to discuss these representations further if that would be of assistance.

Yours faithfully



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